INVESTIGATIVE SUMMARY

INVESTIGATIVE SUMMARY
DEPUTY INVOLVED SHOOTING: HIT
SH# 2303930
URN 011-25564-1335-055

DATE / TIME / LOCATIONS

Wednesday, December 28, 2011
1635 hours
[redacted] Oak Street, Bellflower

On December 28, 2011, at approximately 1635 hours, Deputy Joseph Esqueda, working Unit 133, was assigned a call regarding a suspicious male looking into parked vehicles, Tag #306. Deputy Victor Fernandez, working Unit 133T1, was also assigned the call, to assist Deputy Esqueda

> **IAB Note:** The Lakewood Station's Daily In-Service sheet for 12-28-11 is included in this case book. Unit 133's and Units 133T1's Deputy Daily Work Sheet, and Unit History Report is also included. The incident Details for Tag 306 is included as well. See **Miscellaneous Documents**.

The call indicated that a Hispanic male, in his 20's (age), wearing a gray "Hoodie," and tan shorts, had been seen loitering in the area of Mayne Street and Pimenta Avenue. The call also indicated that the male had been seen looking into parked vehicles throughout the day.

> **IAB Note:** Area and Neighborhood Maps of the location are included in this case book. See **Exhibit C**.

Deputy Esqueda responded, and arrived to the location first. Upon his arrival he saw a male, later identified as Suspect Joseph Guevara, matching the description given in the call, standing near Pimenta Avenue and Oak Street. When Deputy Esqueda approached him, the suspect began to run east through a business parking lot, and then turned south on Lakewood Boulevard. Without making any attempt to stop and apprehend the suspect, Deputy Esqueda followed him in his marked patrol vehicle. He followed the suspect south on Lakewood Boulevard, and saw him enter a driveway on the west side of the street. Deputy Esqueda lost sight of the suspect, and advised Deputy Fernandez to continue his response, and to check the area of Pimenta Avenue.

As the deputies continued checking the area for the suspect, Deputy Esqueda observed the suspect walking north on the east sidewalk of Pimenta Avenue. Deputy Esqueda advised Deputy Fernandez, via radio, and followed slowly behind the suspect in his patrol car. Deputy Fernandez traveled south on Pimenta Avenue, in the northbound lane, and also observed the suspect. Deputy Ferndandez stopped his patrol vehicle several feet north of the suspect's position, and attempted to detain him by telling him put his hands on the hood of the patrol vehicle. The suspect did not comply with Deputy Fernandez' order, but instead began to run north on Pimenta Avenue. The suspect then ran west across Pimenta Avenue, and continued west on Oak Street.

Deputy Fernandez followed the suspect on foot, and Deputy Esqueda followed in his patrol vehicle. The suspect continued west on Oak Street, and then onto the front yard of the residence located at [redacted] Oak Street. Deputy Fernandez took a position behind a van that was parked on the south side of Oak Street, just east of the residence, as Deputy Esqueda parked his vehicle in front of the residence.

> **IAB Note:** Lakewood Station Sergeant Brian Bishop, #[redacted] completed a foot pursuit evaluation form, which is included in this case book. See **Exhibit I**.

The suspect then retrieved a silver revolver from his front waistband, and turned toward the deputies. The suspect then fired his weapon in their direction. Fearing for their lives, both deputies fired several rounds at the suspect from their Department issued firearm. The suspect was struck with multiple rounds, causing him to fall down, next to a black vehicle parked in the driveway. The deputies then approached the suspect, and handcuffed him without further incident.

The suspect was treated at the scene by Los Angeles County Fire Paramedics, Squad #98. He was subsequently transported, via ambulance, to Long Beach Memorial Hospital where he received additional treatment. The two involved deputies were not injured during the incident.

Internal Affairs Bureau Lieutenant Stefanie Fredericks was notified, and along with Sergeants Carlos Flores and Dinah Grote, responded to the location to conduct an administrative review of the incident. The following review is based on written documentation, interviews of witnesses, involved deputies, and medical staff.

> **IAB Note:** Homicide Bureau's complete case book is included in this case book. See **Exhibit A**.

IAB SHOOTING / FORCE TEAM

Lieutenant Stefanie Fredericks, Sergeant Carlos Flores, and Sergeant Dinah Grote.

INVOLVED PERSONNEL

Fernandez, Victor, Deputy #[redacted]
Lakewood Station

MH/27, 5-08, 180 lbs., Right Handed

Date of Employment: 03-01-2006
Date Assigned to Patrol: [redacted]
Date Completed Patrol Training: [redacted]
Prior Shooting Incidents: [redacted]
Prior Founded Force Incidents: [redacted]



Esqueda, Joseph, Deputy #[redacted]
Lakewood Station

MH/45, 6-01, 170 lbs., Right Handed

Date of Employment: 10-22-1991
Date Assigned to Patrol: [redacted]
Date Completed Patrol Training: [redacted]
Prior Shooting Incidents: [redacted]
Prior Founded Force Incidents: [redacted]



SUSPECT

Guevara, Joseph Robert MH/22, DOB: 03-05-1989, 5-05, 150 lbs., Booking #3012349

The Consolidated Criminal History System reveals [redacted]. Suspect Guevara has been identified as a "Paramount San Street" gang member, with a moniker of "Scrappy," and "Payaso." [redacted]. Suspect Guevara was on [redacted] at the time of the incident.

IAB Note: Suspect Guevara's Criminal History Report is included in this case book. See **Exhibit B and Exhibit A, Page 242**.

EMPLOYEE WITNESSES

None

NON-EMPLOYEE WITNESSES

IAB Note: Due to the suspect's gang affiliation, and threats that had been made to a potential witness, some of the witnesses' addresses were omitted from the submitted supplemental reports. The addresses will also not be listed in this case book.



[redacted] FH/20, [redacted]

[redacted] FH/20, [redacted]

[redacted] FH/31

[redacted] MH46

[redacted] MH/45

[redacted] MH/31

[redacted] MO/17

INJURIES

SUSPECT

Suspect Guevara sustained multiple (9 or 10) gunshot wounds. He was treated at the scene by Los Angeles County Paramedics, Rescue Company Number 98. Suspect Guevara was transported to Long Beach Memorial Hospital, via ambulance. The suspect was assigned Medical Number [redacted]. On January 13, 2012, Suspect Guevara was transported and booked in the jail ward at Los Angeles County Medical Center (LCMC).

DEPUTY PERSONNEL:

None

PHYSICAL EVIDENCE

Several items of evidence were collected by the staff from Scientific Services Bureau. The suspect's firearm was amongst the items recovered and collected as evidence.

> **IAB Note:** A sketch of the crime scene, and evidence legend, is included in this case book. See **Exhibit E**. Photographs of the scene are also included. See **Exhibits D and F**.

DISTANCE

Deputy Esqueda was approximately 30 to 40 feet away from the suspect when the shooting occurred. Deputy Fernandez was approximately 40 to 50 feet away from the suspect when the shooting occurred.

INVESTIGATOR OBSERVATIONS

The Internal Affairs Bureau investigators arrived at the scene ([redacted] Oak Street), approximately one hour and thirty minutes after the incident had occurred.

The 8800 block of Oak Street is an east/west paved residential street, with one lane for each direction of travel. The street has a raised curb on both sides, but no sidewalk. There are single family residences along both sides of the street, and each side contains streetlights.

Investigators observed a black and white Sheriff's Department patrol vehicle (Vehicle Number SD3998) parked on the street, in front of [redacted] Oak Street. The vehicle was parked along the south curb, facing west. Investigators observed several expended casings on the street, in close proximity to the patrol vehicle. In the driveway of [redacted] Oak Street, there was a black "Honda Pilot" parked, facing south. Investigators observed that the vehicle appeared to have a bullet strike to the front driver's door. The vehicle's right front passenger tire appeared to have been struck by a bullet as well.

Investigators observed bloody clothing, and blood stains, next to the left front tire of the parked "Honda Pilot." Several feet to the south, in front of the "Honda Pilot," they observed a five shot revolver lying in the driveway. The firearm had the hammer back, and locked in the "single action" position. The firearm was stainless steel, with a wood grip.

Investigators also responded to the 16000 block of Pimenta Avenue, which is located west of where the shooting incident occurred. Pimenta Avenue is a north/south street with one lane for each direction of travel. There are single family residences on both sides of the street. The street is paved with a raised curb, and sidewalks on both sides. Investigators observed a black and white Sheriff's Department patrol vehicle (Vehicle

Number SD6274) parked in front of the residence at [redacted] The vehicle was parked in the northbound lane, facing in a southeast direction. The investigators were advised that the patrol vehicle was Deputy Fernandez'.

IAB Note: Area and Neighborhood Maps are included in this report. See **Exhibit C**. Scene photographs are also included. See **Exhibits D and F**. The Sketch of the scene, and evidence legend is included as well. See **Exhibit E**.

REVIEW OF RADIO TRANSMISSIONS

The Internal Affairs Bureau Investigator reviewed the radio traffic initiated by the involved deputies.

On the main working frequency (Dispatch 14), a deputy, later identified as Deputy Fernandez, is heard requesting emergency clearance ("10-33"), and for "The patch." The Sheriff's Communication Center (SCC) Dispatcher is then heard advising "10-33 go, your on the patch." Deputy Fernandez is then heard saying "Pimenta." The SCC dispatcher identifies Deputy Fernandez' unit, 133T1, and advises him that he is not transmitting. Several gunshots are then heard, and Deputy Fernandez' advises that a deputy involved shooting ("998") has occurred.

Deputy Esqueda is then heard advising that a deputy involved shooting has occurred on "Mayne and Pimenta," and that he has "one down." Deputy Esqueda then requests for paramedics to respond to his location. Deputy Fernandez also advises that he has been involved in a shooting and that one suspect is down. He gives his location as "Mayne and Pimenta." After being asked by the SCC Dispatcher, Deputy Fernandez advises that all deputies are "Accounted for."

A short time later Deputy Esqueda, is heard giving the address of [redacted] and advising that one suspect is down, and they are detaining him at gunpoint, facing south. He additionally states that there are no outstanding suspects, and that paramedics should "stage" east of their location. Deputy Fernandez then broadcasts that a "better location" is [redacted] Oak Street. He then advises that the paramedics should "stage" at "Mayne and Lakewood" until they are "Code four."

IAB Note: Both Deputy Fernandez, and Deputy Esqueda, initially gave erroneous information regarding their location. Mayne Street is one street north of where the shooting incident occurred (Oak Street). Maps of the area are included in this case book. See **Exhibit C**.

A sergeant unit and an Aero Unit also advise that they are responding to the location. Other units are then heard stating that they are also responding. Deputy Fernandez is then heard advising that the suspect is handcuffed. Deputies are then heard assigning containment positions.

On the local tactical channel (L-Tac, prior to Dispatch 14 radio traffic), Deputy Esqueda can be heard asking Deputy Fernandez if he could respond to Lakewood Boulevard, regarding the call on Mayne Street and Pimenta Avenue. He advises that the suspect ran from him. Deputy Esqueda also asks if there are any other available units to respond to his location. Deputy Fernandez is then heard asking Deputy Esqueda if he knew the suspect's, "last seen direction." Deputy Esqueda advises that he last saw the suspect on Lakewood Boulevard north of Flower Street. He states that the suspect might have jumped a wall and headed back toward Pimenta Street. Deputy Fernandez advises that he will be arriving shortly and will begin, "checking that residential area." Deputy Esqueda advises that the suspect appears to be, "a little 918" (mentally ill).

Deputy Esqueda is then heard asking Deputy Fernandez to drive back to Pimenta Street. He advises that he sees the suspect at, [redacted]" at, "Belmont and Pimenta."

IAB Note: Belmont Street is one street south of Oak Street, where the shooting incident occurred. Neighborhood maps of the location are included in this case book. See **Exhibit C**. A Compact Disc containing a recording of the radio communications during this incident is also included in this case book. See **Exhibit G**.

LIGHTING AND WEATHER CONDITIONS

The incident occurred on a clear evening (1635 hours).

WEAPONS USED BY DEPUTY PERSONNEL

Deputy Fernandez:

Service Weapon Type:	Beretta 9mm Semi-Automatic
Rounds Fired:	20
Type of Ammunition Used:	Department Issued Luger (Win) Ranger SXT 147gr.
Date Employee Last Qualified:	[redacted]

IAB Note: An examination of Deputy Fernandez' firearm indicated he had shot a total of 20 rounds. Several expended, 9mm casings were recovered at the scene. See **Exhibit E**. The Test Fire Exam Report of Deputy Fernandez' firearm is included in this case book. See **Miscellaneous Documents**. Deputy Fernandez' Firearms Training

Record, and Qualification Record is also included. See **Miscellaneous Documents**.

Deputy Esqueda:

Service Weapon Type:	Beretta 9mm Semi-Automatic
Rounds Fired:	15
Type of Ammunition Used:	Department Issued Luger (Win) Ranger SXT 147gr.
Date Employee Last Qualified:	[redacted]

IAB Note: An examination of Deputy Esqueda's firearm indicated he had shot a total of 15 rounds. Several expended, 9mm casings were recovered at the scene. See **Exhibit E**. The Test Fire Exam Report of Deputy Esqueda's firearm is included in this case book. See **Miscellaneous Documents**. Deputy Esqueda's Firearms Training Record, and Qualification Record are also included. See **Miscellaneous Documents**.

WEAPONS USED BY SUSPECT

Suspect Guevara utilized a "Taurus," .38 Caliber Five Shot Revolver, Model 85. Serial Number [redacted]. The firearm was recovered from the driveway of [redacted] Oak Street. It was found with the hammer locked in the "single action" position, and contained three fired cartridges. Several live rounds were found in the suspect's short's pocket.

IAB Note: Photographs of the suspect's firearm are included in this case book. See **Exhibits D and F**.

PROPERTY DAMAGE

Several bullet strikes were noted at the residences located at [redacted] Oak Street (scene of shooting) and [redacted] Bullet strikes were also noted on two gardening pots that were on the front porch of [redacted] Oak Street. Two bullet strikes were also noted on a black 2004 Honda Pilot, License # [redacted], which was parked in the driveway of [redacted] Oak Street.

IAB Note: Photographs of the above listed damage are included in this case book. See **Exhibits D and F**. A sketch of the scene is also included. See **Exhibit E**.

CRIMINAL INVESTIGATOR/CHARGES FILED

Investigators: Detectives Steven Blagg, #[redacted], and Louie Aguilera, #[redacted]
Homicide Bureau

Charges: Attempted Murder of a Peace Officer 664/187 PC, Possession of a Firearm by a Convicted Felon, 12021(a)(1) PC

IAB Note: Suspect Guevara's preliminary hearing was held in May of 2012. On May 22, 2012, Suspect Guevara was "held to answer" to two counts of attempted murder and assault with a deadly weapon.

INVOLVED EMPLOYEE STATEMENTS

Involved Deputy Victor Fernandez was interviewed by **Homicide Bureau Detectives**, Steve Blagg and Louie Aguilera, on December 28, 2011, at 2245 hours. The interview was conducted at the Lakewood Station, and was digitally audio recorded. Deputy Fernandez was represented by Attorney Mitch Kander.

Deputy Fernandez stated that he was working Unit 133T1, and was assigned to assist Deputy Esqueda, Unit 133, regarding a suspicious person call. He said the call described the suspect as wearing a dark hooded sweatshirt, and gray shorts. He said that as he responded to the call, Deputy Esqueda contacted him, via radio, and told him that the suspect had ran from him. He said he also received an MDT message from Deputy Esqueda stating that the suspect was possibly walking west on Flower Street from Lakewood Boulevard.

Deputy Fernandez said that as he traveled west on Flower Street, looking for the suspect, he was again contacted by Deputy Esqueda. He said Deputy Esqueda told him that the suspect was possibly in the area of Pimenta Avenue and Mayne Street. Deputy Fernandez said that as he arrived at the corner of Pimenta Avenue and Mayne Street, Deputy Esqueda advised him that he had located the suspect on Pimenta Avenue, just north of Flower Street.

Deputy Fernandez said he drove south on Pimenta Avenue, and saw the suspect walking rapidly north, on the east sidewalk. He said he could see Deputy Esqueda's patrol vehicle, south of the suspect's position. Deputy Fernandez said he (Fernandez) drove his vehicle to the east curb and stopped, just north of the suspect's position. He said he parked his vehicle facing in a south east direction, and exited his vehicle. Deputy Fernandez said he ordered the suspect to stop and to place his hands on the hood of the patrol vehicle. The suspect ignored his commands, and ran from him north on Pimenta Avenue.

Deputy Fernandez said that he began chasing the suspect on foot, while at the same time initiating emergent radio traffic, on the working frequency (Dispatch 14), advising that he was in, "foot pursuit." He said the suspect ran west, across Pimenta Avenue, and on to Oak Street. Deputy Fernandez said that as he ran after the suspect, he could see the suspect reaching in his front waistband area. He said he did not know if the suspect was trying to retrieve a weapon he had in his waistband, so he broadcasted that the suspect was possibly armed. He said the suspect continued running west on the south sidewalk of Oak Street, passed a blue van parked in front of [redacted] Oak Street.

Deputy Fernandez said that the suspect began running into the front yard of the residence located at [redacted] Oak Street. He said that the suspect had retrieved a silver object from his pocket, which he (Fernandez) initially believed were keys. He said that he then saw that the object was a chrome handgun. Deputy Fernandez said he quickly took a position of cover on the north east side of the blue van parked on the street. He said he attempted to broadcast additional information on his radio, but realized that his microphone had fallen as he reached for his firearm.

Deputy Fernandez said that he shouted for the suspect to stop and put his hands up, but the suspect instead pointed the handgun at him. He said that fearing for his safety, he fired several rounds from his duty weapon at the suspect. He said that as he was shooting at the suspect, he saw that the suspect also fired a round. Deputy Fernandez said the suspect, "stumbled," to the ground, while still holding the handgun. He said he then saw the suspect fire another round, at which point he (Fernandez) fired additional rounds from his duty weapon. He said that as he fired, his weapon's magazine went empty, causing him to reload and continue shooting. He said he continuously fired his weapon due to the fact that the suspect kept his handgun pointed in his direction.

Deputy Fernandez said that as he fired his weapon, he also heard gunshots west of his position, and he believed that Deputy Esqueda was also shooting at the suspect. Deputy Fernandez said that he saw the suspect's gun "fly" out of his hand, and land approximately six feet away. He said that the suspect then fell to the ground, on the driveway of the residence. Deputy Fernandez said he and Deputy Esqueda approached the suspect, and saw that the gun was laying just above the suspect's head. He said he stepped on the suspect's right hand, as Deputy Esqueda took control of the suspect's left hand. He said that they then handcuffed the suspect. Deputy Fernandez said he retrieved his radio microphone and broadcasted that he had been involved in a shooting, and requested paramedics for the suspect.

IAB Note: The Homicide Bureau Detectives summarized their interview with Deputy Fernandez in a Supplemental Report included in this case book. See **Exhibit A, Page 40**. A Compact Disc, containing the audio recording of Deputy Fernandez interview, is also included in this case book. See **Exhibit H**.

Involved Deputy Victor Fernandez was interviewed by **Internal Affairs Bureau Sergeants**, Carlos Flores and Dinah Grote, on May 29, 2012, at 1340 hours. He was represented by Green and Shinee Attorney Erica Gurrola. The interview was digitally audio recorded.

Deputy Fernandez' statement and description of the incident during this interview was essentially the same as he provided to Homicide detectives. He then answered questions relative to tactics and training.

Deputy Fernandez stated that when he first tried to detain the suspect on Pimenta Avenue, the suspect was "incoherent, rambling," and appeared to be "altered." He said he believed the suspect was either under the influence of a narcotic, or was possibly mentally ill. He said that when the suspect began running away from him, he immediately gave chase. He said that approximately three to five seconds after beginning his chase of the suspect, he initiated a foot pursuit broadcast on his portable radio. He said that while he was attempting to broadcast on his radio, he dropped the radio's microphone down by his leg. Deputy Fernandez said he was not certain that his radio transmission actually broadcasted on the radio.

> **IAB Note:** During Deputy Fernandez' interview, Sergeant Flores played the audio recording of the radio broadcast. Deputy Fernandez is heard asking for "10-33," and is then heard saying "Pimenta." Deputy Fernandez is not heard stating that he is in foot pursuit. Deputy Fernandez stated that he attributes the lack of a foot pursuit broadcast to a faulty radio.

Deputy Fernandez stated that when the suspect passed the blue van parked on Oak Street, he saw the suspect retrieve something from his waistband, which he first thought were keys. He said that upon closer examination, he saw that the suspect had retrieved a handgun. Deputy Fernandez said the suspect continued west, passed the van, and he (Deputy Fernandez) took a position towards the rear portion of the van, utilizing it as cover.

Deputy Fernandez said the suspect continued running, eventually onto the front yard of the property at [redacted] Oak Street. He said the suspect "bladed" his body towards his right, and pointed the firearm in his direction. He said he shot at the suspect, who in turn also fired his weapon in his direction. Deputy Fernandez said the suspect continued to run westbound where he stumbled. He said the suspect then fired a second shot, which appeared to have a slightly elevated trajectory. Deputy Fernandez said he continuously fired due to the fact that the suspect kept the gun pointed, and was also shooting his weapon.

Deputy Fernandez said the suspect fell to the ground, but kept the firearm pointed in their direction. He said he (Deputy Fernandez) then reloaded his weapon, and reassessed the situation. He said he saw the suspect lying on his back, with his shoulders slightly elevated, and his knees slightly bent. He said the suspect's hands were between his legs, and was still pointing his weapon at Deputy Esqueda. Deputy Fernandez said he then fired several more rounds at the suspect.

Deputy Fernandez said that as he was firing, he saw the suspect's weapon "fly" out of his hand, at which time he (Deputy Fernandez) stopped firing. He said that during the incident he became aware that Deputy Esqueda had taken a position to his right, and had also fired his firearm at the suspect. He said that during the time he was chasing the suspect, he had not become aware that Deputy Esqueda had bypassed him in the vehicle. He said it was not until during the shooting that he became aware of his partner's position.

Deputy Fernandez said that when the suspect dropped his gun, it landed approximately six feet west of where he (suspect) was laying. He said he saw the suspect "cradle" himself, holding on to his abdominal area. He said he and Deputy Esqueda then approached the suspect to render aid, and to secure the suspect's firearm.

Deputy Fernandez stated that the day of the incident was clear, and was still bright out when the shooting occurred. He said that he was aware of his shooting background (residence), but he did not see any pedestrian traffic anywhere when the incident occurred. He said that his field of fire was clear, and was never in crossfire danger with Deputy Esqueda. He said that when he fired his two volleys, they were in quick succession, and controlled to the best of his ability. He said he utilized a "point and shoot," method and also utilized his firearm's sights.

Deputy Fernandez stated that based on the suspect's actions, he (Deputy Fernandez) believed he had no other choice but to utilize his firearm. He said he was in fear for his safety, and was defending himself.

IAB Note: During his interview Deputy Fernandez was shown two photographs of the scene, and the sketch created by Scientific Services Bureau. Deputy Fernandez was asked to mark his, Deputy Esqueda's, and the suspect's position at the time of the shooting. The photographs and sketch are included in this case book. See **Deputy Fernandez' IAB Interview Transcript.**

For his complete statements refer to Deputy Fernandez' interview transcripts.

Involved Deputy Joseph Esqueda was interviewed by **Homicide Bureau Detectives**, Steve Blagg and Louie Aguilera, on December 28, 2011, at 2155 hours. The interview was conducted at the Lakewood Station, and was digitally audio recorded. Deputy Esqueda was represented by Attorney Mitch Kander.

Deputy Esqueda stated that he was working Unit 133, and received a call of a suspicious person (Tag 306). He said he drove west on Mayne Street, from Lakewood Boulevard, and approached Pimenta Avenue. He said he saw a male who matched the description that had been given in the call. He said the male was standing on the east sidewalk of Pimenta Avenue, approximately 50 feet south of Mayne Street.

Deputy Esqueda said he drove toward the suspect and stopped approximately 15 feet away from him. He said he asked the suspect to walk to him, and the suspect took several steps toward him. Deputy Esqueda said the suspect then ran east through a driveway that spans between Pimenta Avenue and Lakewood Boulevard.

Deputy Esqueda said he advised his assisting unit, Deputy Fernandez, Unit 133T1, via radio, that the suspect had ran from him. He said he did not make any attempt to, "catch" the suspect, but instead followed him south on Lakewood Boulevard, while communicating with Deputy Fernandez. Deputy Esqueda said he saw the suspect run south on Lakewood Boulevard and then turned west into a driveway. He said he then lost sight of the suspect, and believed the suspect had climbed a fence and walked back toward Pimenta Avenue.

Deputy Esqueda said he and Deputy Fernandez continued searching the area for the suspect. He said that as he drove north on Pimenta Avenue, he saw the suspect in the driveway of a residence, on the east side of the street. He said the suspect had removed the hooded sweatshirt that he had been wearing, and was wearing a black t-shirt. Deputy Esqueda said he informed Deputy Fernandez of he suspect's position, and maintained visual contact of the suspect as he (suspect) began walking north on Pimenta Avenue. He said he just continued following slowly behind the suspect, in his patrol vehicle.

Deputy Esqueda said he then saw Deputy Fernandez drive south on Pimenta Avenue, toward him, and stop at the east curb. He said Deputy Fernandez exited his vehicle, and told the suspect to stop. He said the suspect then ran north, past Deputy Fernandez, who began chasing the suspect on foot. Deputy Esqueda said he followed behind Deputy Fernandez, in his patrol vehicle.

Deputy Esqueda said he heard Deputy Fernandez initiating emergent radio traffic, advising that he was in, "foot pursuit." He said that the suspect began running west on Oak Street, and was between 20 to 30 feet in front of Deputy Fernandez. Deputy Esqueda said he turned onto Oak Street and passed a blue van which was parked on

the south side of the street. He said he stopped his vehicle at an angle and opened the driver's side door. He said he then drew his weapon, pointed it at the suspect and ordered him to stop and show his hands. He said the suspect briefly stopped, looked in his direction, and then continued running in a south west direction, into the front yard of [redacted] Oak Street.

Deputy Esqueda said that as the suspect reached the front porch of the residence, he (suspect) crouched down, and turned toward him. He said he then saw that the suspect had a chrome handgun in his right hand. Deputy Esqueda said that, fearing the suspect was going to shoot him, he fired between four to six rounds from his duty weapon at the suspect. He said he also heard gunshots coming from the area east of his position, where Deputy Fernandez had taken cover. Deputy Esqueda said he stopped firing to reassess the situation, and saw the suspect fire his weapon in his (Esqueda's) direction. He said he then fired six to eight more rounds at the suspect, and saw the suspect fall down to the ground.

Deputy Esqueda said he initiated emergent radio traffic, advising that he had been involved in a shooting. He said that he requested paramedics, but told them to "stage" on Mayne Street and Lakewood Boulevard. He said that he and Deputy Fernandez approached the suspect with their guns drawn, and could see the suspect's gun lying on the ground, just above the suspect's head. He said that as they walked toward the suspect, he (Esqueda) performed a tactical reload of his duty weapon, placing a fully loaded magazine in the weapon. Deputy Esqueda said he and Deputy Fernandez handcuffed the suspect, and advised, via radio, that the paramedics could respond to the scene, and treat the suspect.

IAB Note: The Homicide Bureau Detectives summarized their interview with Deputy Esqueda in a Supplemental Report included in this case book. See **Exhibit A, Page 38**. A Compact Disc, containing the audio recording of Deputy Esqueda's interview, is also included in this case book. See **Exhibit H**.

Involved Deputy Joseph Esqueda was interviewed by **Internal Affairs Bureau Sergeants**, Carlos Flores and Dinah Grote, on May 29, 2012, at 1030 hours. He was represented by Green and Shinee Attorney Erica Gurrola. The interview was digitally audio recorded.

Deputy Esqueda's statement and description of the incident during this interview was essentially the same as he provided to Homicide detectives. He then answered questions relative to tactics and training.

Deputy Esqueda stated that when he first encountered the suspect on Pimenta Avenue, he believed, based on the suspect's actions, that he was possibly mentally ill. He said that he followed the suspect south on Lakewood Boulevard, but did not try to detain him. He notified Deputy Fernandez that the suspect had ran, and directed him to check

for the suspect on Pimenta Avenue.

Deputy Esqueda stated that when he returned to Pimenta Avenue, he again made visual contact with the suspect, who was standing in the driveway of a residence. He said he advised Deputy Fernandez to come back south on Pimenta Avenue, because he had found the suspect. Deputy Esqueda said he again made no attempt to detain the suspect due to the fact the suspect had ran from him before. He said he wanted another deputy present before attempting to contact the suspect again.

Deputy Esqueda said he saw Deputy Fernandez stop his vehicle, approximately 60 to 80 feet north of his (Deputy Esqueda's) position, and slightly north of the suspect's position. He said that Deputy Fernandez exited his vehicle and he could hear him tell the suspect to stop, and to show his hands. He said that the suspect then began running north, and eventually crossed Pimenta Avenue, going west. He said the suspect then began traveling west on Oak Street.

Deputy Esqueda said Deputy Fernandez immediately began chasing the suspect on foot, and he (Deputy Esqueda) followed in his radio car. He said that they approached Oak Street from Pimenta Avenue simultaneously, where they made eye contact with each other. He said he began passing Deputy Fernandez, and could hear that he (Deputy Fernandez) had initiated radio traffic, advising that he was involved in a foot pursuit.

IAB Note: Deputy Esqueda initially stated that he heard Deputy Fernandez' radio transmission via his radio. After listening to the recording of the radio transmission, he stated that it was possible that when he drove past Deputy Fernandez, he heard him speaking into the radio microphone.

Deputy Esqueda stated that he passed Deputy Fernandez, and assumed that Deputy Fernandez continued his foot pursuit of the suspect. He said that when the suspect passed the blue van, he stopped his vehicle and ordered the suspect, at gunpoint, to stop and show his hands. He said the suspect paused momentarily, and then continued running in a southwest direction. Deputy Esqueda said he continued west, and stopped directly in front of [redacted] Oak Street. He said that as the suspect approached the front porch of the residence, he crouched down and turned in a counter clockwise direction. Deputy Esqueda said he then saw that the suspect had a chrome handgun in his right hand, and was raising it, pointing in their direction.

Deputy Esqueda said that he feared for his and his partner's safety, and fired several rounds at the suspect. He said that after firing several rounds, he stopped firing and reassessed the situation. He said the suspect was in a squatting position, with his body turned and facing him (Deputy Esqueda). He said he then saw a muzzle flash coming

from the suspect's weapon, which was situated close to the suspect's waistline area. He said that he believed the suspect was shooting at him, and he fired an additional six to eight rounds at the suspect. Deputy Esqueda said he then saw the suspect fall backwards on his back, which caused him (Deputy Esqueda) to stop shooting.

Deputy Esqueda said that while shooting his second volley at the suspect, he heard shots being fired east of his position. He said he formed the opinion that Deputy Fernandez was also shooting at the suspect. He said that he was not certain what position Deputy Fernandez had taken when the shooting occurred. Deputy Esqueda said that after the suspect went down, he exited his vehicle and could see that the suspect no longer had the firearm in his hand. He said he and Deputy Fernandez then approached the suspect and handcuffed him. Deputy Esqueda stated that during the entire time that he fired his firearm, he was seated in the driver's seat of his patrol vehicle.

Deputy Esqueda stated that it was still daylight when the shooting incident occurred. He said he was aware of his shooting backdrop (residence), and his field of fire was clear when he fired his weapon. He said that he and Deputy Fernandez did not put themselves in a position where crossfire between them was possible. He said that both volleys of fire were fired in a quick controlled manner. He said that his first volley of fire was done in a "point and shoot" manner, and during the second volley he utilized his firearm's sights.

IAB Note: During his interview Deputy Esqueda was shown two photographs of the scene, and the sketch created by Scientific Services Bureau. Deputy Esqueda was asked to mark his, Deputy Fernandez', and the suspect's position at the time of the shooting. The photographs and sketch are included in this case book. See **Deputy Esqueda's IAB Interview Transcript.**

For his complete statements refer to Deputy Esqueda's interview transcripts.

<u>EMPLOYEE WITNESSES</u>

None

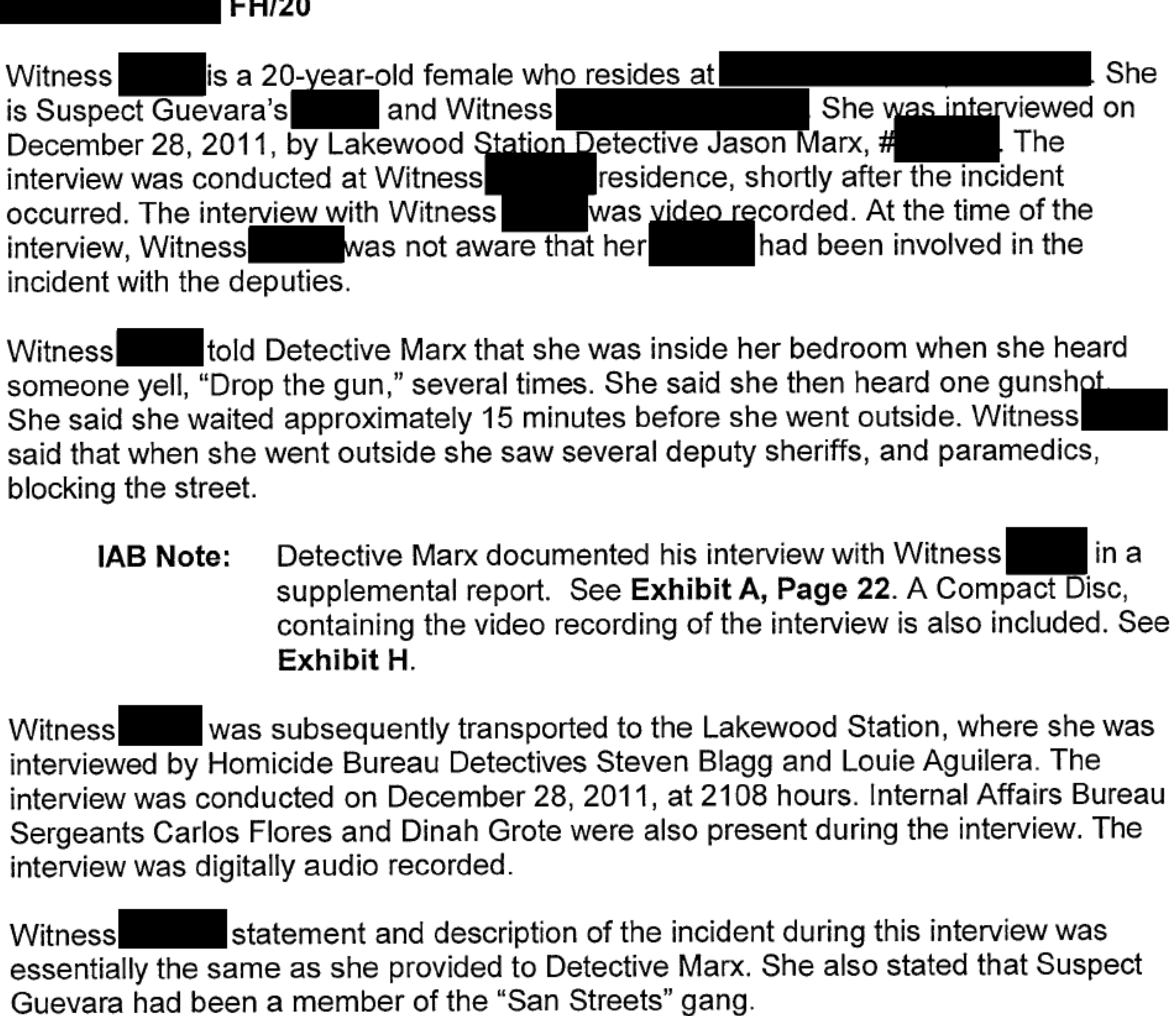
<u>CIVILIAN WITNESSES</u>

The area near the shooting scene, at [redacted] Oak Street, was canvassed for any potential witnesses. The area was canvassed by Deputies from the Lakewood Station, and Homicide Bureau.

Several individuals stated they heard gunshots, but did not actually witness the shooting or had any knowledge of the circumstances surrounding the incident. The

names of the residents contacted, and a summary of the deputies' contact with them, are documented on supplemental reports.

IAB Note: It was discovered by Homicide Bureau detectives that a potential witness had been threatened by gang members, associated with the suspect. Due to those threats, the witnesses' addresses were redacted from the submitted supplemental reports. The addresses will not be included in this case book as well. Supplemental Reports detailing potential witnesses contacted are included in this case book. See **Exhibit A, Pages 15, 16, 17, 19, 20, 22, 23, 25,27, 29,**



[redacted] FH/20

Witness [redacted] is a 20-year-old female who resides at [redacted]. She is Suspect Guevara's [redacted] and Witness [redacted]. She was interviewed on December 28, 2011, by Lakewood Station Detective Jason Marx, #[redacted]. The interview was conducted at Witness [redacted] residence, shortly after the incident occurred. The interview with Witness [redacted] was video recorded. At the time of the interview, Witness [redacted] was not aware that her [redacted] had been involved in the incident with the deputies.

Witness [redacted] told Detective Marx that she was inside her bedroom when she heard someone yell, "Drop the gun," several times. She said she then heard one gunshot. She said she waited approximately 15 minutes before she went outside. Witness [redacted] said that when she went outside she saw several deputy sheriffs, and paramedics, blocking the street.

IAB Note: Detective Marx documented his interview with Witness [redacted] in a supplemental report. See **Exhibit A, Page 22**. A Compact Disc, containing the video recording of the interview is also included. See **Exhibit H**.

Witness [redacted] was subsequently transported to the Lakewood Station, where she was interviewed by Homicide Bureau Detectives Steven Blagg and Louie Aguilera. The interview was conducted on December 28, 2011, at 2108 hours. Internal Affairs Bureau Sergeants Carlos Flores and Dinah Grote were also present during the interview. The interview was digitally audio recorded.

Witness [redacted] statement and description of the incident during this interview was essentially the same as she provided to Detective Marx. She also stated that Suspect Guevara had been a member of the "San Streets" gang.

IAB Note: Homicide Bureau detectives summarized their interview of Witness [redacted] in a supplemental report. See **Exhibit A, Page 36**. A Compact Disc, containing the audio recording of the interview is also included. See **Exhibit H**.

[redacted] FH/20

Witness Isabel is a 20-year-old female who resides at [redacted] She is Suspect Guevara's [redacted] and Witness [redacted] She was interviewed on December 28, 2011, by Lakewood Station Detective Jason Marx, #[redacted] The interview was conducted at Witness [redacted] residence, shortly after the incident occurred. The interview with Witness [redacted] was video recorded. At the time of the interview, Witness [redacted] was not aware that her [redacted] had been involved in the incident with the deputies.

Witness [redacted] told Detective Marx that she was in the living room of her residence when she heard, "Officers" shout, "Stop, let me see your hands." She said she heard them shout the commands three to four times, and then heard approximately five gunshots. Witness [redacted] said she then looked out of the south facing window and saw deputies with their guns drawn walking into a driveway on the south side of the street. Witness Isabel said she was unable to see the suspect. She said that a short time later additional deputies arrived on scene.

IAB Note: Detective Marx documented his interview with Witness [redacted] in a supplemental report. See **Exhibit A, Page 22**. A Compact Disc, containing the video recording of the interview is also included. See **Exhibit H**.

Witness [redacted] was subsequently transported to the Lakewood Station, where she was interviewed by Homicide Bureau Detectives Steven Blagg and Louie Aguilera. The interview was conducted on December 28, 2011, at 2120 hours. Internal Affairs Bureau Sergeants Carlos Flores and Dinah Grote were also present during the interview. The interview was digitally audio recorded.

Witness [redacted] statement and description of the incident during this interview was essentially the same as she provided to Detective Marx. She also stated that Suspect Guevara had been a member of the "San Streets" gang, and has been arrested on numerous occasions.

IAB Note: Homicide Bureau detectives summarized their interview of Witness [redacted] in a supplemental report. See **Exhibit A, Page 37**. A Compact Disc, containing the audio recording of the interview is also included. See **Exhibit H**.

[redacted] FH/46

Witness [redacted] is a 46-year-old female who resides on [redacted] She was interviewed, at her residence, by Homicide Bureau Detectives Steven Blagg and Louie Aguilera, on December 28, 2011, at 1956 hours. Internal Affairs Bureau Sergeants Carlos Flores and Dinah Grote were also present during the interview. The interview was digitally audio recorded.

Witness [redacted] stated that she was in her back yard when she saw a Hispanic male, 20 to 25 years old, wearing a black hooded sweatshirt, attempting to open the gate to her back yard. She said her dog began to bark, and the suspect walked north, toward the front door of her residence. Witness [redacted] said she went inside her home and looked out the front window. She said she saw two marked Sheriff's Department patrol cars parked on Pimenta Avenue. She said she saw the deputies approach the suspect, and the suspect began to run away from them.

Witness [redacted] said she saw the suspect run west on Oak Street, followed by the deputies. She said one of the deputies followed the suspect on foot, and the other deputy followed in his patrol car. She said she then lost view of both the suspect and the deputies, and she walked out to her front porch. She said she then heard several gunshots coming from the area of Oak Street.

IAB Note: Homicide Bureau detectives summarized their interview of Witness [redacted] in a supplemental report. See **Exhibit A, Page 35**. A Compact Disc, containing the audio recording of the interview is also included. See **Exhibit H**.

[redacted] MH/45

Witness [redacted] is a 45-year-old male who resides on [redacted] He was interviewed, at his residence, by Homicide Bureau Detectives Steven Blagg and Louie Aguilera, on December 28, 2011, at 2008 hours. Internal Affairs Bureau Sergeants Carlos Flores and Dinah Grote were also present during the interview. The interview was digitally audio recorded.

Witness [redacted] said he was inside his residence when he heard approximately three gunshots north of his residence. He said he walked outside and saw a pair of gloves, which did not belong to him, laying on his front porch. He said that he contacted a deputy and advised him of what he had found. He said the deputy then showed him a gray hooded sweatshirt that was laying in some bushes alongside his home. Witness [redacted] said he had never seen the sweatshirt before.

IAB Note: The gloves and sweatshirt were retrieved by the staff from the Scientific Services Bureau, and booked as evidence. See **Exhibit A, Page 46.** Homicide Bureau detectives summarized their interview of Witness [redacted] in a supplemental report. See **Exhibit A, Page 35**. A Compact Disc, containing the audio recording of the interview is also included. See **Exhibit H**.

[redacted], MH/45

Witness [redacted] is a 45-year-old male who resides in area of [redacted]. He was interviewed, at his residence, by Homicide Bureau Detectives Steven Blagg and Louie Aguilera, on December 28, 2011, at 2026 hours. The interview was digitally audio recorded.

Witness [redacted] said he was driving north on Pimenta Avenue, when he saw two Sheriff's Department patrol vehicles stopped in front of him. He said he saw one deputy approach a male, who was running across Pimenta Street. He said he heard the deputy shout, "Stop, stop," as he chased after the male. Witness [redacted] said the male ran west onto Oak Street, followed by one deputy on foot, and one in his patrol car.

Witness [redacted] said that he continued driving north on Pimenta Avenue, and stopped at Oak Street. He said he looked west on Oak Street and saw one deputy pointing his gun south toward a residence. Witness [redacted] said he then heard several gunshots, but did not see muzzle flashes from the deputies gun. He said he no longer saw the male who had ran from the deputies.

IAB Note: Homicide Bureau detectives summarized their interview of Witness [redacted] in a supplemental report. See **Exhibit A, Page 36**. A Compact Disc, containing the audio recording of the interview is also included. See **Exhibit H**.

[redacted] MH/31

Witness [redacted] is a 31-year-old male who works at the "[redacted]" located at [redacted]. He was interviewed, at his place of employment, by Homicide Bureau Detectives Steven Blagg and Louie Aguilera, on December 29, 2011, at 1440 hours. The interview was digitally audio recorded.

Witness [redacted] stated that while at work he was told to check the employee parking lot, which is located behind (west) the business, on Pimenta Street. He said he walked out to Pimenta Street and saw a male wearing a gray hooded sweatshirt and brown shorts. He said he saw a Sheriff's Department patrol vehicle drive close to the suspect, at which point the suspect began to run. Witness [redacted] said the suspect ran east,

through the business' parking lot, onto Lakewood Boulevard. He said he then lost sight of the suspect.

Witness [redacted] said he walked back to Pimenta Avenue, and saw the suspect exiting the rear yard of a residence. He said the suspect had removed the gray hooded sweatshirt. Witness [redacted] said he then saw two patrol cars approach the suspect on Pimenta Avenue, and saw the suspect again start to run. He said the suspect ran west on Oak Street, followed by deputies. He said he (Witness [redacted] then lost sight of them, and heard several gunshots. Witness [redacted] said he did not walk over to Oak Street.

[redacted], MO/17

Witness [redacted] is a 17-Year-old male who resides in the area of [redacted] He was initially interviewed by Lakewood Station Deputy [redacted], on December 28, 2011. He was then re-interviewed by Homicide Bureau Detectives Steven Blagg and Louie Aguilera on February 17, 2012, at 1112 hours. The interview was conducted at an undisclosed location, and was digitally audio recorded. Witness [redacted] statement and description of the incident to Homicide Bureau detectives was essentially the same that he gave Deputy [redacted]

> **IAB Note:** Deputy [redacted] summarized his interview with Witness [redacted] in a supplemental report. See **Exhibit A, Page 278**.

Witness [redacted] stated that he was inside his garage when he heard his [redacted] yell at his [redacted]. He said he walked to his backyard and saw his [redacted] and [redacted] looking at something on the street. Witness [redacted] said he looked over the backyard wall and saw a male running away from deputies. He said he recognized the male as his [redacted] (Joseph Guevara), but could not remember his name.

Witness [redacted] said he saw the suspect run west on Oak Street, followed by one of the deputies, who was also on foot. He said he saw the suspect holding a silver and black colored gun, in his right hand. He saw that the suspect had his right index finger on the trigger of the handgun, and was smiling as he ran. Witness [redacted] said the suspect ran into the front yard of [redacted] Oak Street, and stopped. He said he saw a deputy stop alongside a blue van, and point his gun at the suspect. He said he saw another deputy park his vehicle in the driveway of the location and take cover behind the car's door. Witness [redacted] said he then heard one of the deputies shout "Stop. Drop the gun."

Witness [redacted] said he turned his head, at which point he heard several gunshots. He said he looked back to where he last saw the suspect, and saw the suspect laying on the ground. He said that he saw the suspect reach for what he believed was the handgun, and heard the deputies fire several more shots at the suspect. Witness

[redacted] said he then saw the deputies approach the suspect and handcuff him.

IAB Note: Homicide detectives interviewed Witness [redacted] approximately seven weeks after the incident had occurred. They summarized their interview with Witness [redacted] in a supplemental report, which was later added to the original case book. A copy of the report is included in this case book. See **Miscellaneous Documents**.

SUSPECT'S STATEMENTS

On the night of the incident (December 28, 2011), Suspect Guevara was transported to the Long Beach Memorial Hospital for treatment. He was subsequently admitted at that hospital, and remained there until January 13, 2012. He was then transported to the jail ward at the Los Angeles County Medical Center (LCMC), where he was booked. Homicide Bureau detectives attempted to interview Suspect Guevara, but he declined to give a statement and asked for an attorney.

IAB Note: Due to Suspect Guevara invoking his right to remain silent, he was not contacted by Internal Affairs Bureau investigators.

On May 3, 2012, the Los Angeles District Attorney's Office issued their letter of opinion regarding this shooting incident. The letter concludes with the statement, "We conclude that Deputies Joseph Esqueda and Victor Fernandez acted in lawful self-defense. We are therefore closing our file and will take no further action in this manner." See **Miscellaneous Documents**.